

Attorney Docket No. P14018-US2
Customer Number 27045

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicants have amended claims 1, 5-7, 11, 12, 21, 23, 31, and 43. Claims 2-4, 8-10, 18-20, 24-30, 32-42, 44, and 45 have been canceled. New claims 46-48 have been added. Accordingly, claims 1, 5-7, 11-17, 21-23, 31, 43, and 46-48 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 112

On page 2 of the Office Action, the Examiner rejected claims 1-45 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner stated that it was unclear what was meant by the word "anonymously". The Applicants have amended the claims to eliminate use of the word "anonymously" and to recite that the devices communicate without revealing their identities. Withdrawal of the rejection under § 112 is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 102

On page 3 of the Office Action, the Examiner rejected claims 1, 11 and 22 under 35 U.S.C. § 102(e) as being anticipated by Singhal, et al. (US 6,633,761). The Applicants have amended the claims to better distinguish the claimed invention from Singhal. The Examiner's consideration of the amended claims is respectfully requested.

Claim 1 has been amended to recite a method of communicating between a first wireless network device and a second wireless network device using a wireless network communications protocol without revealing the identities of the first and second wireless network devices. The method includes randomly selecting identification numbers for the first wireless network device and the second wireless network device; exchanging by the first and second wireless network devices, the randomly selected identification numbers at connection establishment; switching the first and second wireless network

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devices to an encrypted connection after connection establishment; exchanging by the first and second wireless network devices, pseudo random identities over the encrypted connection; and utilizing by the first and second wireless network devices, the pseudo random identities to set up subsequent connections.

Singhal does not disclose or suggest such a method in which pseudo random identities are exchanged over an encrypted connection and then utilized to set up subsequent connections. Basis for the amendments to claim 1 is found in the originally filed specification on page 15, line 8 through page 16, line 8; and FIG. 10A. Therefore, the allowance of amended claim 1 is respectfully requested.

Claims 11 and 22 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 11 and 22 is respectfully requested.

On page 4 of the Office Action, the Examiner rejected claim 35 under 35 U.S.C. § 102(a) as being anticipated by Applicants' admitted prior art. Claim 35 has been canceled.

On page 5 of the Office Action, the Examiner rejected claims 1-4, 6-9, 24-26, 28-29, 32-33 and 38-44 under 35 U.S.C. § 102(e) as being anticipated by Yamashina, et al. (US 5,758,282). Of these, claims 2-4, 8-9, 24-26, 28-29, 32-33, 38-42, and 44 have been canceled. The Applicants have amended the remaining claims to better distinguish the claimed invention from Yamashina. The Examiner's consideration of the amended claims is respectfully requested.

Claim 1 has been amended as noted above. The Applicants contend that Yamashina also fails to teach or suggest a method in which pseudo random identities are exchanged over an encrypted connection and then utilized to set up subsequent connections. Therefore, the withdrawal of the § 102 rejection and the allowance of amended claim 1 are respectfully requested.

Claims 6-7 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 6-7 is respectfully requested.

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On page 16 of the Office Action, the Examiner rejected claims 1, 11 and 20 under 35 U.S.C. § 102(e) as being anticipated by Blair, et al. (US 6,778,528). Of these, claim 20 has been canceled. The Applicants have amended the remaining claims to better distinguish the claimed invention from Blair. The Examiner's consideration of the amended claims is respectfully requested.

Claim 1 has been amended as noted above. The Applicants contend that Blair also fails to teach or suggest a method in which pseudo random identities are exchanged over an encrypted connection and then utilized to set up subsequent connections. Therefore, the withdrawal of the § 102 rejection and the allowance of amended claim 1 are respectfully requested.

Claim 11 depends from amended claim 1 and recites further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claim 11 is respectfully requested.

4.) Claim Rejections – 35 U.S.C. § 103(a)

On page 18 of the Office Action, the Examiner rejected claims 5, 27 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Yamashina in view of Pelissier, et al. (US 6,496,503). Of these, claims 27 and 30 have been canceled. Claim 5 depends from amended claim 1 and recites further limitations in combination with the novel elements of claim 1. The Applicants contend that the combination of Yamashina and Pelissier also fails to teach or suggest a method in which pseudo random identities are exchanged over an encrypted connection and then utilized to set up subsequent connections. Thus, a prima facie case of obviousness has not been established. Therefore, the allowance of claim 5 is respectfully requested.

On page 19 of the Office Action, the Examiner rejected claims 1, 11-12 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Karlsson, et al. (US 6,246,670) in view of Singhal. The Applicants contend that Karlsson is disqualified as prior art under 35 U.S.C. § 103(c) because it was commonly owned at the time the invention was made. More specifically, MPEP 706.02(I)(1) states:

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Effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention "were at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." This change to 35 U.S.C. 103(c) applies to all utility, design, and plant patent applications filed on or after November 29, 1999, including continuing applications filed under 37 CFR 1.53(b), continued prosecution applications filed under 37 CFR 1.53(d), and reissues.

The instant application was filed on March 7, 2001, which is after November 29, 1999. Applicant notes that the instant application and Karlsson were, at the time the invention was made, all owned by the same entity – Telefonaktiebolaget LM Ericsson. The ownership information is indicated on the face of Karlsson, and is shown for the instant application in an assignment recorded with the U.S. Patent and Trademark Office on September 10, 2001 at reel 012149, frame 0650.

As a result, all of the requirements of 35 U.S.C. § 103(c) have been met, and Karlsson is disqualified as a prior art reference in the instant application. Therefore, the withdrawal of the rejection is respectfully requested.

The Applicants further note that claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Karlsson in view of Singhal, but is not rejected on the basis of any other prior art. Karlsson is disqualified as a prior art reference in the instant application, and none of the secondary references cited by the Examiner teach or suggest the invention recited in claim 12. The Applicants have also amended claim 12 into independent form, and have amended claim 12 to overcome the rejection under 35 U.S.C. § 112 by eliminating the unclear language "anonymously transmitting". Therefore, Applicant respectfully requests the withdrawal of the rejection and the allowance of amended claim 12.

Claims 13-17 depend from amended claim 12 and recite further limitations in combination with the novel elements of claim 12. Therefore, the allowance of claims 13-17 is respectfully requested.

Claim 21 has been amended to depend from amended claim 12. Therefore, the allowance of claim 21 is respectfully requested.

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On page 21 of the Office Action, the Examiner rejected claims 1, 11, 18-19, 34 and 45 under 35 U.S.C. § 103(a) as being unpatentable over Hunter in view of Singhal. Of these, claims 18-19, 34, and 45 have been canceled. The Applicants contend that the combination of Hunter and Singhal also fails to teach or suggest a method in which pseudo random identities are exchanged over an encrypted connection and then utilized to set up subsequent connections. Thus, a prima facie case of obviousness has not been established. Therefore, the allowance of claim 1 and dependent claim 11 is respectfully requested.

On page 25 of the Office Action, the Examiner rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Karlsson in view of Singhal and further in view of Yamashina. The Applicants contend that due to the disqualification of Karlsson as prior art, a prima facie case of obviousness has not been established. Therefore, the allowance of claim 13 is respectfully requested.

On page 26 of the Office Action, the Examiner rejected claims 14 and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over Karlsson in view of Singhal and further in view of Applicants' admitted prior art. The Applicants contend that due to the disqualification of Karlsson as prior art, a prima facie case of obviousness has not been established. Therefore, the allowance of claims 14 and 16-17 is respectfully requested.

On page 27 of the Office Action, the Examiner rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Karlsson in view of Singhal and Applicants' admitted prior art and further in view of Pelissier. The Applicants contend that due to the disqualification of Karlsson as prior art, a prima facie case of obviousness has not been established. Therefore, the allowance of claim 15 is respectfully requested.

On page 28 of the Office Action, the Examiner rejected claims 36-37 under 35 U.S.C. § 103(a) as being unpatentable over Applicants' admitted prior art in view of Yokoo, et al (US Application 10/411,184). Claims 36-37 have been canceled.

On page 29 of the Office Action, the Examiner rejected claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Yamashina in view of Lipsanen, et al. (US 09/999,234). Claim 23 depends from amended claim 1. The Applicants contend that the combination of Yamashina and Lipsanen also fails to teach or suggest a method in which pseudo random identities are exchanged over an encrypted connection and then

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utilized to set up subsequent connections. Thus, a prima facie case of obviousness has not been established. Therefore, the allowance of dependent claim 23 is respectfully requested.

On page 30 of the Office Action, the Examiner rejected claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Yamashina in view of Pelissier and further in view of Comstock. The Applicants contend that Comstock is disqualified as prior art under 35 U.S.C. § 103(c) because it was commonly owned at the time the invention was made. More specifically, MPEP 706.02(l)(1) states:

Effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention "were at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." This change to 35 U.S.C. 103(c) applies to all utility, design, and plant patent applications filed on or after November 29, 1999, including continuing applications filed under 37 CFR 1.53(b), continued prosecution applications filed under 37 CFR 1.53(d), and reissues.

The instant application was filed on March 7, 2001, which is after November 29, 1999. Applicant notes that the instant application and Comstock were, at the time the invention was made, all owned by the same entity – Telefonaktiebolaget LM Ericsson. The ownership information is indicated on the face of Comstock, and is shown for the instant application in an assignment recorded with the U.S. Patent and Trademark Office on September 10, 2001 at reel 012149, frame 0650.

As a result, all of the requirements of 35 U.S.C. § 103(c) have been met, and Comstock is disqualified as a prior art reference in the instant application. Without Comstock, a prima facie case of obviousness has not been established. The Applicants have also amended claim 31 into independent form, and have amended claim 31 to overcome the rejection under 35 U.S.C. § 112 by eliminating the unclear language "anonymously transmitting". Therefore, Applicant respectfully requests the withdrawal of the rejection and the allowance of amended claim 31.

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5.) New Claims

New claim 46 recites a method of communicating information from a first wireless device to a second wireless device without revealing the identity of the first wireless device or its user. The method includes randomly selecting an identification number for the first wireless device; generating an access code identifying a format of the temporary identification number; and transmitting information from the first wireless device to the second wireless device, wherein the information includes the temporary identification number and the access code. In this manner, information is communicated between the first wireless device and the second wireless device without revealing to the second wireless device, the identity of the first wireless device or its user. Claims 47 and 48 recite similar limitations, enabling communications without revealing to the second wireless device, the identity of the first wireless device or its user.

The Examiner has cited Singhal and Yamashina as the two primary references. The Applicant notes that Singhal has nothing to do with establishing anonymous communications (i.e., communications in which the identity of a device is not revealed to the other device). Instead, Singhal discloses methods for seamless mobility between different networks. In fact, Singhal specifically discloses processes that require that the identity of the device be known. For example, Singhal discloses that the various access points coordinate with a core server to perform user authentication. (Col. 2, lines 64-67). To be authenticated, a user has to prove its identity, and thus cannot be anonymous (i.e., its identity has to be revealed):

The examiner also cites Yamashina, but Yamashina also fails to disclose or suggest anonymous communication. Instead, Yamashina discloses methods of establishing an address that does not conflict with addresses already in use. The Examiner cites col. 1, lines 27-55 and FIG. 15 of Yamashina for disclosing anonymous communication. However, this passage and FIG. 15 do not disclose communicating anonymously. In fact, this passage and FIG. 15 do not disclose communicating anything - it only discloses establishing an address for future communication of data.

In Yamashina, a terminal monitors communication from at least two other terminals and detects whether two terminals have the same address. The monitoring

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terminal can determine that two communications from the same address are from two different terminals because the terminals in Yamashina also transmit a permanent and unique "epoch number". Yamashina states:

As an epoch number, an MAC address, a manufacturing number, and the like allowing unique identification of terminals can be used, and one that can distinguish between a plurality of different terminals existing in a communicable range can also be used. The epoch number is set by, for example, user's input of a manufacturing number allowing identification of the terminal to the equipment, or by writing the number or the like into a non-volatile memory 32 shown in FIG. 2 at the manufacturing step described later.

Thus, the "epoch number" is a permanent and unique identity of the terminal, the transmission of which means that communication is not anonymous, in contradiction to the examiner's assertion. Yamashina clearly discloses that communication is NOT anonymous, but that the terminals are uniquely identified.

Therefore, neither Singhal nor Yamashina teach or suggest the claimed invention. Therefore, the allowance of new claims 46-48 is respectfully requested.

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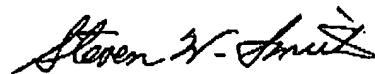
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CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1, 5-7, 11-17, 21-23, 31, 43, and 46-48.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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